

## OFFICIAL COPY

Fresno, California

October 4, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
 Hilda Cantu Montoy, City Attorney  
 Becky Klisch, City Clerk  
 Yolanda Salazar, Assistant City Clerk

Pastor Ara Guekguezian of the Pilgrim Armenian Church gave the invocation, and President Dages led the Pledge of Allegiance.

## SPCA PET OF THE MONTH - COUNCILMEMBER STERLING

The pet of the month available for adoption, a five month old female terrier mix, was presented.

## PRESENTATION OF LIVE-SAVING AWARDS TO THREE SOUTHWEST POLICE OFFICERS

Presented.

## PROCLAMATION OF CIVIL WAR REVISITED - COUNCILMEMBER WESTERLUND

## PROCLAMATION OF FRESNO MUSICAL CLUB DAY - MAYOR AUTRY AND PRESIDENT DAGES

The above proclamations were read and presented.

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**APPROVE MINUTES:**

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of September 27, 2005, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

CONGRATULATIONS TO THE CHAMBER OF COMMERCE ON THEIR APPOINTMENT OF AL SMITH AS INTERIM DIRECTOR AND THEIR REPORT CARD PROGRAM ON HOW THE CITY COUNCIL SUPPORTS BUSINESS ISSUES THAT FACE THE CITY - COUNCILMEMBER DUNCAN

Congratulations extended.

## UPDATE ON FRESNO METROPOLITAN MUSEUM - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian advised the museum was now located in the old Fink & Skopp building on Van Ness south of Tulare and would be there for one year, and stated they did a tremendous job with the building renovation and their exhibits and encouraged everyone to visit.

(1) INTRODUCTION OF DISTRICT 3 COUNCIL ASSISTANT CID MARTINEZ, (2) COMMENDATION TO FAITH-BASED COMMUNITY ORGANIZATIONS WEED & SEED AND MEN OF PROMISE AND THE POLICE DEPARTMENT ON THE SUCCESSFUL FIRST ANNUAL "BRINGING BACK BROKEN NEIGHBORHOODS" CONCERT HELD SATURDAY AT GRIZZLIES STADIUM, AND (3) SHOOTING INCIDENT NEAR THE HINTON CENTER

Introduction and commendation made. Relative to the shooting incident Councilmember Sterling clarified it was not related to the dance at the Hinton Center sponsored by a motorcycle group, advised proper security was in place, commended parks and police staff for their handling of the event and the administration for the review they are undertaking on types of venues that will be allowed at centers, and stated the shooting was an unfortunate incident that happens city-wide.

(1) CONGRATULATIONS TO AL SMITH AND CID MARTINEZ ON THEIR APPOINTMENTS, (2) COMMENDATION TO THE RESCUE MISSION ON THEIR ANNIVERSARY CELEBRATION THIS PAST WEEKEND, AND (3) REQUEST FOR STATUS ON PREVIOUS REQUESTS FOR REPORTS ON THE KRONOS/COGNOS IMPLEMENTATION AND THE 3-1-1 CALL CENTER - COUNCILMEMBER WESTERLUND

Congratulations extended, commendation made, and relative to the request City Manager Souza stated he would look into the status.

REQUEST TO STAFF LOOK INTO AND ADDRESS (1) PLAYGROUND EQUIPMENT THAT IS STILL BOARDED-UP AT SUNNYSIDE PARK, AND (2) TRAFFIC PROBLEM NOW OCCURRING AT HAMILTON AND MAPLE AVENUES DUE TO TRAFFIC PATTERN CHANGES IN ANTICIPATION OF THE FRESNO FAIR - PRESIDENT DAGES

Requests made.

COMMENDATION TO STAFF FOR CLEAN-UP/CURB PAINTING/STREET SWEEPING WORK AT AND AROUND THE FRESNO FAIR AND ENCOURAGEMENT TO ALL TO ATTEND THE FAIR - PRESIDENT DAGES

Commendation made

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#### **APPROVE AGENDA:**

(10:30 A.M. #1) CONTINUED HEARING TO CONSIDER DESIGNATING THE W. D. COATES HOME AT 264 N. VAN NESS AND BLACK'S PACKAGE COMPANY (GOTTSCHALKS SERVICE CENTER) AT 755 VAN NESS, TO THE LOCAL REGISTER OF HISTORIC RESOURCES (Continue to October 11, 2005, at 10:00 a.m.)

Continued as noted.

(10:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

("C") CONTINUED DELIBERATIONS ON THE CONVENTION CENTER REDEVELOPMENT PLAN (Continue to October 11, 2005, at 3:00 p.m.)

Continued as noted.

(3:30 P.M.) CONTINUED DELIBERATIONS ON REZONE APPLICATION NO. R-04-104 AND ENVIRONMENTAL FINDINGS FILED BY CLIFFORD TUTELIAN ON BEHALF OF PARK PLACE HOLDINGS, SOUTHWEST CORNER OF N. PALM AND W. NEES AVENUES (Continue to October 25, 2005, at 10:20 a.m.)

Continued as noted.

(10:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

("A") REQUEST CITY AND AGENCY STAFF TO RETURN WITH AN ACTION PLAN AND TIME-LINE FOR MAKING THE ROEDING BUSINESS PARK A SUCCESS - COUNCILMEMBER CALHOUN

A motion and second was made to table the matter.

146-94

10/4/05

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above item "A" tabled to October 25, 2005, by the following vote:

Ayes : Boyajian, Duncan, Sterling, Westerlund  
 Noes : Calhoun, Perea, Dages  
 Absent : None

(\*Note- Councilmember Calhoun spoke to the action under "Unscheduled Communications".)

**(3-C) RESOLUTION - 31<sup>ST</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$500,000 FROM THE STATE VEHICLE LICENSE FEE REFUND TO ASSIST IN FUNDING SOCIAL SERVICE AGENCIES - COUNCILMEMBER STERLING**

At the request of Councilmember Sterling and with Council consensus the item was set for 3:00 p.m. for citizen convenience.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried. RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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#### **ADOPT CONSENT CALENDAR:**

Councilmember Duncan pulled item **1-E** and Councilmember Westerlund pulled item **1-H** from the Consent Calendar for discussion/action at 2:00 p.m.

**(1-A) RESOLUTION NO. 2005-432 - AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FY 2005 NOTICE OF FUNDING AVAILABILITY (NOFA) - CalHOME PROGRAM FUNDING AND EXECUTION OF DOCUMENTS**

**(1-B) RESOLUTION NO. 2005-433 - AUTHORIZING THE ACCEPTANCE OF FY 2005 CYCLE STATE HOMELAND SECURITY PROGRAM SUB-GRANT FUNDS IN THE AMOUNT OF \$350,000 FROM THE STATE OFFICE OF HOMELAND SECURITY THROUGH THE COUNTY OF FRESNO, AND AUTHORIZING COMPLETION OF RELATED DOCUMENTS**

**1. RESOLUTION NO. 2005-434 - 6<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING THE \$350,000 FOR THE POLICE DEPARTMENT'S HOMELAND SECURITY GRANT PROGRAM TO FUND THE PURCHASE OF AN ARMORED RESCUE VEHICLE FROM Lenco ARMORED VEHICLES THROUGH AN EXISTING GSA CONTRACT**

**(1-C) APPROVE ACQUISITION OF A STREET EASEMENT FROM THOMAS AVAKIAN AS SUCCESSOR TRUSTEE UNDER THE LILLIAN AVAKIAN REVOCABLE LIVING TRUST AGREEMENT DATED JUNE 21, 2005, FOR THE BUTLER/ORANGE INTERSECTION IMPROVEMENT PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT FROM PROPERTY OWNED BY THOMAS AVAKIAN, EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY, AND COMPLETE THE ACQUISITION THROUGH ESCROW**

**(1-D) RESOLUTION NO. 2005-435 - 32<sup>ND</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$251,600 IN DONATION REVENUE FROM ANGEL'S CAMPAIGN FOR MAINTENANCE PROJECTS AT THE CHAFFEE ZOO**

**(1-F) RESOLUTION NO. 2005-436 - APPROVING THE FINAL MAP OF TRACT NO. 5290 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTHWEST CORNER OF E. HAMILTON AND S. ARMSTRONG AVENUES**

**1. AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE**

**2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR SPECIAL SOLID WASTE SERVICE**

146-95

10/4/05

3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING THE RIGHT TO FARM LAW

4. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT REQUIRING FIRE PROTECTION MEASURES TO BE PROVIDED AND MAINTAINED

(1-G) APPROVE APPOINTMENT OF KATHLEEN MONAGHAN TO THE HISTORIC PRESERVATION COMMISSION - MAYOR AUTRY

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(9:00 A.M.) PUBLIC COMMENT PERIOD:**

**(A) SCHEDULED COMMUNICATION:**

APPEARANCE BY ERIC WARDWELL TO DISCUSS AMENDING ORDINANCE NO. 96-67 TO ALLOW EXTRA TIME FOR SENIOR CITIZENS AND THE DISABLED TO SPEAK MORE THAN THREE MINUTES AT COUNCIL MEETINGS

Appearance made; no action taken.

**(B) UNSCHEDULED COMMUNICATION:**

**(10:45 A.M. "A")** REQUEST CITY AND AGENCY STAFF TO RETURN WITH AN ACTION PLAN AND TIME-LINE FOR MAKING THE ROEDING BUSINESS PARK A SUCCESS - COUNCILMEMBER CALHOUN

Councilmember Calhoun expressed his concern with Council's earlier action tabling his issue, stated to table an issue put on by another council member and without an explanation was rude and unprofessional and he was very unhappy that occurred, and stated if that was the approach his colleagues wished to take he would play the same game. Brief discussion ensued on Agency meetings and scheduling items.

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**(2-A)** CONSIDER MAYOR AUTRY'S REQUEST FOR RECONSIDERATION OF AWARD OF CONTRACT TO BOWEN ENGINEERING AND ENVIRONMENTAL FOR BUILDING DEMOLITION AT 800 AND 808 "M" STREET

Reviewed by Public Works Director Healey who advised staff worked with two outside real estate firms and the finding was that both buildings would require extensive rehabilitation, stated staff felt it was not in the best interest of the City to move forward with rehab for a short-term or mid-term rental and explained, displayed a picture of one of the buildings which showed a large piece of metal that had fallen off **(2 - 0)**, and requested Council reconsider and award the contract as recommended to get the property ready for demolition and a future hotel site.

Councilmember Duncan stated he and Councilmember Westerlund drove by the building and he was glad no one got hurt when the piece fell off the front, stated no matter what happens with the parcel the buildings did not fit the plans, stated the property was blighted and it made sense to demolish the buildings at least get some needed temporary parking, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

146-96

10/4/05

Extensive discussion ensued. Councilmember Sterling spoke briefly to the similarities of this dangerous building and the Monterey bridge and stated Council made a decision to purchase the property and now needed to move forward and get it ready to attract private sector development. Councilmember Boyajian stated he strongly disagreed the property was falling apart, stated the Barrister building was only 18 years and in good shape as was the other building, stated he was not sure a luxury hotel was needed and elaborated, added the buildings could be rented out, stated Council should let other downtown projects get settled in first and then see if there is a need for a luxury hotel, and elaborated further on the issue. Councilmember Westerlund presented questions/comments relative to staff's review of the buildings, renovations needed, making the buildings ADA compliant, cost for the renovations, the two-story building lacking an elevator and the bathrooms not being ADA compliant, and what the real estate professionals response was relative to renting out the buildings on a year-to-year basis versus a 3-5 year term, with Mr. Healey, City Attorney Montoy and City Manager Souza responding throughout. Councilmember Westerlund stated if ADA compliance was necessary the ability to recover those costs would be slim to none and he felt leasing was not cost effective. Councilmember Duncan questioned if a luxury hotel was specifically called for in the RFP (with Mr. Souza and Mr. Healey responding), relative to the alternative hotel "proposal" and site clarified the "proposal" was nothing but a letter Council received from the developers of the Armenian Town site and explained their idea, and stated even though a hotel was part of the 2010 plan at issue this date was an old building that was purchased to tear down and urged Council to move forward. Councilmember Boyajian noted the staff report indicated a luxury hotel was the key objective, stated there were a lot of other things that could be done with the property or go there, spoke to his walk-through of the buildings and stated he found both buildings in excellent shape and explained, and stated there was no demand for a luxury hotel, in order for Council to make the right decision information was needed on necessary improvements and their actual cost, and requested Council wait for the ADA information from the city attorney adding he did not know what the big hurry was. Mr. Souza referenced the cost figures indicated in the staff report to prepare the building for occupancy and upon his question Mr. Healey clarified staff relied on the real estate experts and their finding that a significant amount of remodeling was necessary and not simply some paint and carpet. Upon the request of Councilmember Boyajian, his staff assistant displayed pictures of the insides of both buildings with Councilmember Boyajian describing the features and speaking to the beauty of 800 M Street. Mr. Souza clarified the City did not gut the 808 building and stated if it was gutted it was probably done by the previous owners as the City has only had possession of the building for a few months. President Dages presented questions/comments relative to whether the building was 18 years old, the appraisal and if there was anything that said the building was 50% gone value-wise, if the building could be rented out without being ADA compliant, what the bond payments were on the \$3.2 million and amount of rent needed to break even, and building maintenance and insurance issues. President Dages expressed his concern stating the staff report was inadequate as staff only presented one rent scenario and explained, spoke to the worst case scenario of \$460,000 to \$680,000 to refurbish both buildings and stated it would be a huge mistake to demolish a million dollar plus building without even knowing if Council will approve a hotel, and stated there was 15,000 square feet of building space and there were people who would rent the building as is and on a month-to-month basis.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, a contract in the amount of \$55,000 hereby awarded to Bowen Engineering and Environmental for building demolition at 800 and 808 "M" Street, by the following vote:

Ayes :	Calhoun, Duncan, Sterling, Westerlund
Noes :	Boyajian, Perea, Dages
Absent :	None

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**(2-B) REQUEST AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$300,000 WITH URS CORPORATION FOR SERVICES RELATIVE TO THE PROCESSING OF DEVELOPMENT PROJECTS**

Planning & Development Director Yovino stated this was follow-up action item from a budget presentation, gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted, **(3 - 0)** and stated staff was confident with URS's ability to handle the added work volume and recommended approval.

Speaking to the issue were: Alex Correa, representing FCEA planning & development employees, who spoke in opposition to the contract stating it was without merit, unwarranted and fraudulent and elaborated; and Interim Chamber of Commerce Director Smith who stated the permit process takes a very long time and urged Council to take this matter seriously.

Councilmember Westerlund stated there was a crisis and elaborated, this was imperative and he wished this had been in place last

year, made a motion to approve staff's recommendation, and presented questions /comments relative to what percentage of time staff spent on residential versus commercial activity, if the consultants would be used for both, and his desire to see the consultants focus on commercial and light industrial activity to get caught up with economic development, with Mr. Yovino responding.

**146-97**

**10/4/05**

The motion was seconded by Councilmember Duncan who acknowledged the city's challenge with economic activity, stated it was important for all to remember the permits and the processing of projects results in jobs, new homes and economic development and elaborated, expressed disappointment with Mr. Correa's comments stating they were inappropriate and unprofessional and showed some union employees were more concerned with their own self than their community, and urged Council's support to keep the city moving and to assist planning and public works staff who have been working so hard to keep their heads above water.

Mr. Yovino, Mr. Healey and Erik Bonberg of URS responded to questions and comments of Councilmember Boyajian at length relative to who URS was, if an RFP was issued, if the department was having problems hiring/retaining people, the problem being lack of coordination between departments, how better coordination will occur by bringing in outside assistance, how many hours the consultants will work daily, need to reorganize the department to achieve more middle management to take over some responsibilities, and numerous questions on URS including if they were a corporation in California, if they worked for the city of Fresno before, number of staff, if they had a speciality field, if they had any engineers on staff, and if any former city employees now worked for them.

Councilmember Sterling stated her concern was why employees were not being hired from within the city organization, questioned what staff was going to do to ensure there would be no layoffs, spoke to the slow process and the volume of new businesses coming into her district and expressed concern that businesses may have to close due to the city not meeting its obligations, requested assurance that staff will get current projects/permits off the table and moving, questioned if staff spoke with the employees' union stating this kind of controversy was not needed, spoke to the need for an open door policy, and acknowledged this was a lot of money but stated this was necessary as it would result in revenues to the city, with Mr. Yovino responding throughout.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Manager, or designee, authorized to execute a professional services agreement with URS Corporation in the amount of \$300,000 for services related to the processing of development projects, by the following vote:

Ayes :	Calhoun, Duncan, Sterling, Westerlund
Noes :	Boyajian, Perea, Dages
Absent :	None

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**(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-04-67 AND ENVIRONMENTAL FINDINGS FILED BY CLAUDE SAIZ, JR., PROPERTY LOCATED ON THE WEST SIDE OF N. AUGUSTA BETWEEN FREEWAY 180 AND E. THOMAS AVENUE**

**1. CONSIDER AND ADOPT E.A. NO. R-04-67, FINDING OF CONFORMITY WITH THE GENERAL PLAN MEIR**

**2. BILL NO. B-113 - ORDINANCE NO. 2005-116 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1 TO R-2/cz**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Sanchez gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Sterling noted she spoke with the applicant on a number of occasions, stated he was doing a good job providing housing for first-time home buyers, and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-67/S-04-298/V-04-23 dated March 31, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-113 rezoning the subject property adopted as Ordinance No. 2005-116, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(10:15 A.M.)** CONTINUED HEARING ON ALTERING SERVICES, THE SPECIAL TAX, AND THE APPROPRIATIONS LIMIT FOR CFD NO. 2, ANNEXATION NO. 61, TRACT 4598

**146-98**

**10/4/05**

- 1. RESOLUTION NO. 2005-437 - AUTHORIZING THE LEVY OF AN AMENDED SPECIAL TAX AND SETTING AN AMENDED APPROPRIATIONS LIMIT**
- 2. RESOLUTION NO. 2005-438 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2005-439 - DECLARING ELECTION RESULTS**
- 4. RESOLUTION NO. 2005-440 - CHANGING THE MAXIMUM SPECIAL TAX**
- 5. BILL NO. B-114 - ORDINANCE NO. 2005-117 - AMENDING ORD. 2004-04 AND 2005-74, AND LEVYING AN AMENDED SPECIAL TAX**

President Dages announced the time had arrived to consider the issue and opened the hearing. Councilmember Perea briefly left the meeting at 10:45 a.m.

Senior Engineering Technician Paff gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-437, 2005-438, 2005-439 and 2005-440 hereby adopted, and the above entitled Bill No. B-114 adopted as Ordinance No. 2005-117, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes :	None
Absent :	Perea

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Councilmember Perea returned to the meeting at 10:46 a.m.

**(10:30 A.M. #2) BILL NO. B-115 - REPEALING SECTION OF THE FRESNO MUNICIPAL CODE RELATING TO THE SUNSET PROVISION OF THE MOBILE HOME RENT REVIEW AND STABILIZATION ORDINANCE**

Briefly reviewed by City Attorney Montoy who advised the ordinance bill was here at Council's direction. A motion and second was made to introduce the bill.

Speaking in support were: Robin Roberts, Four Seasons mobile home park resident and Chair of the Mobile Home Rent Review Committee, and Edward Lopez.

Councilmember Calhoun questioned why mobile home owners get to have a ceiling put on their rents when other renters do not, stated many elderly and disabled people live in apartments and added there was a fairness doctrine here, questioned how this came about and why mobile homes were singled out, and stated this was saying elderly apartment residents are not cared about. Ms. Montoy and City Manager Souza advised this was an action by a predecessor Council, it was legal, and it was a policy issue driven by Council and staff was not actively engaged in the issue. Councilmember Calhoun stated this was an important policy call and he felt more research was needed, noted there might be other organizations such as the rental owners' association that may want to comment, **(4 - 0)** stated he wanted to hear from staff on what implications, if any, this had for the city of Fresno, made a motion to table the matter until staff reports on why this provision is in place and if other California cities have a similar ordinance and how they arrived at it, and clarified he wanted the information so he can tell renters in his district why they are not receiving the same protection as mobile home owners. Upon call the motion died for lack of a second.

Fay Baney, Mobile Home Rent Review Commissioner, responded to Councilmember Calhoun's questions stating mobile home owners have to pay thousands of dollars to move whereas apartment renters only have to pay for a moving truck, and spoke briefly to how the demographics of mobile home residents has changed. Councilmember Boyajian concurred there was a huge difference between apartment and mobile home tenants stating they had different laws, and acknowledged it was a tremendous financial burden on mobile home owners if they have to move.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Bill No. B-115 introduced before the City Council and laid over, by the following vote:

146-99

10/4/05

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None  
 Abstain : Calhoun

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**RECESS - 11:01 A.M. - 11:10 A.M.**

**(2-C) APPOINT MAYOR AUTRY AS THE VOTING DELEGATE, WITH CITY MANAGER SOUZA AS THE ALTERNATE VOTING DELEGATE, TO THE LEAGUE OF CALIFORNIA CITIES (LCC) ANNUAL BUSINESS MEETING ON OCTOBER 8, 2005, AND RESCIND THE PREVIOUS COUNCIL ACTION**

A motion was made to approve the appointments. Upon question of President Dages, City Attorney Montoy clarified the voting delegate position was different from the Board position vacated by Mayor Autry. Assistant City Manager Ruiz gave a brief overview of the issue and recommended approval.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the previous City Council action rescinded, and Mayor Alan Autry appointed the voting delegate and City Manager Andrew Souza appointed the alternate voting delegate to the LCC Annual Business Meeting on October 8, 2005, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian  
 Absent : None

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**(10: 45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed their meeting at 11:13 a.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF SEPTEMBER 20, 2005**

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of September 20, 2005, approved as submitted.

**("B") RECEIVE PRESENTATION FROM FOREST CITY DEVELOPMENT, INC., REGARDING THE SOUTH STADIUM PROJECT AREA**

**1. DIRECT THE EXECUTIVE DIRECTOR TO ANALYZE THE DATA SUBMITTED BY FOREST CITY AND RETURN WITHIN 90-120 DAYS WITH PROPOSED CONCEPTUAL DEAL POINTS AND FURTHER DIRECTION REGARDING THE NEGOTIATION AND PREPARATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS**  
**(JOINT ACTION)**

**2. APPROVE THE FIRST AMENDMENT TO THE EXCLUSIVE NEGOTIATION AGREEMENT (ENA) SUBJECT TO MINOR MODIFICATIONS APPROVED BY THE EXECUTIVE DIRECTOR AND APPROVED AS TO FORM BY THE CITY ATTORNEY'S OFFICE**  
**(JOINT ACTION)**

Director Murphey gave an overview of the issue which included the feasibility analysis Forest City has been conducting, the team they put together, and the progress they have made, and stated the project was large and complex, recommended the above requested actions be approved, and stated the conceptual plan Forest City would be presenting was consistent with the mixed-use concept in the ENA.

Colin Macken, President of Forest City West Coast Development, advised architecture and engineering representatives Andres



Friedman and Bill Fain would be making the presentation, and gave an overview of his company and showed slides of projects they have developed that are relevant to this project. Andres Friedman and Bill Fain of Johnson-Fain, gave an in-depth PowerPoint presentation on the project, the concept, and an overview on how the development came to take place and concluded their presentation. Mr. Friedman stated even though there were substantial challenges to be faced and it was early in the process he was highly optimistic for a successful development, stated commitments would have to be made by all to move forward and Forest City was prepared to work with the City and Agency to make this project possible, and concluded stating they were uniquely qualified to develop the proposed South Stadium Project.

**146-100**

**10/4/05**

Moses Stites, Caltrans, stated the developer and staff consulted with them early on with the traffic scope and he was pleased with the results and added he looked forward to continuing to work with them.

Councilmember Sterling thanked Forest City for their presentation, stated the Chicago project was comparable to Fresno's project, noted the Downtown Association and Caltrans were involved in downtown projects and stated Forest City needed to engage them as they moved forward, noted a full EIR would be conducted and presented questions relative to the historic survey and its importance (with Mr. Friedman responding), and thanked Forest City for coming to Fresno and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Lengthy discussion ensued. Councilmember Westerlund thanked the joint bodies for their vision and partnering with Forest City, Councilmember Sterling for her leadership, Chair Boyajian for all his time and efforts, and the Forest City team; advised he heard nothing but good things about Forest City at the Las Vegas convention relative to their quality projects and successes; noted the next phase was the deal points and he looked forward to seeing what it was going to cost in terms of investment; and requested the media visit Forest City's Rancho Cucamonga Victoria Gardens project adding this project was comparable to that and explained. President Dages acknowledged this was a great opportunity for Fresno but stated Council also needed to be cautious and look closely at it to ensure the project will benefit the taxpayer and not overburden them with enormous debt to support the entity, **(5 - 0)** relative to sales tax revenue and jobs stated he wanted to see the difference of what is existing to what it will be/what will be gained and what will be lost, and stated this sounded like a pretty good deal as long as the taxpayer is not burdened and wished Forest City luck. Councilmember Calhoun questioned what involvement City staff and the administration have had in this process, what their comments were, and the above direction going to Agency staff and if City staff would be engaged, with City Manager Souza stating staff has been involved, they would provide input and make a recommendation to Council, and they were very supportive of the project. Councilmember Perea stated he was glad to see Forest City here, the collaboration between City and Agency staff, and the concept stating it was important to hear Forest City wanted downtown to be a unique spot, and stated the presentation was very encouraging and he looked forward to creating a very strong partnership.

Chair Boyajian thanked Forest City for thinking of, and wanting the best, for Fresno; thanked past Agency Chair Duncan, past director Fitzpatrick and Ms. Murphey for their leadership, vision and improving the vision; stated when he voted in support of the stadium he envisioned the stadium being a catalyst for just this type of project; expressed his pleasure in seeing Fresno included in Forest City's display booth at the Las Vegas convention along with major cities such as San Francisco; and thanked Forest City for their honesty, professionalism and wanting the best for Fresno. Councilmember Duncan stated he was involved in the 2010 Vision and this was an exciting day for him; emphasized Fresno was not a little town anymore and it needed to take its place among other great American cities; stated the benefit of economics went far beyond the direct benefit of this project as it had the ability to change how people view the Fresno nation-wide and that was an important thing to constantly deal with to attract businesses and projects; stressed the area around the project would see significant appreciations and investment and the project would turn downtown around; and also strongly encouraged the media to visit the Rancho Cucamonga project to get a flavor of what Fresno could potentially look like in the future and to also tour the Fresno site adding it was crying for help.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the Agency Executive Director directed to analyze the data submitted by Forest City and return within 90-120 days with proposed conceptual deal points and receive further direction regarding the preparation of a Disposition and Development Agreement and related documents, and Amendment No. 1 to the Exclusive Negotiation Agreement hereby approved subject to minor modifications approved by the Executive Director and approved as to form by the City Attorney's office, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian
Noes :	None
Absent :	None

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The joint bodies adjourned their meeting at 12:04 p.m.

**LUNCH RECESS - 12:04 P.M. - 2:01 P.M.****(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:****(1-E) APPROVE PLAN TO ESTABLISH A NIGHT MAINTENANCE/CUSTODIAL CREW IN CITY PARKS****1. RESOLUTION NO. 2005-441 - 9<sup>TH</sup> AMENDMENT TO PAR 2005-287 ADDING THREE (3) POSITIONS IN THE PARKS AND RECREATION DEPARTMENT FOR THE NIGHT PARKS MAINTENANCE/CUSTODIAL CREWS****146-101****10/4/05**

Councilmember Duncan stated his concerns were private sector jobs would be eliminated and filled with city employees and temporary employees would be added without benefits; stated he was not sure what problem staff was trying to solve noting the police chief stated city parks were safe; questioned how temporary part-time employees were going to help when there was already security there; and expressed an additional concern with the added cost, stated this proposal did not make any sense and he did not see the benefit of it, and made a motion to deny staff's recommendation, which motion was seconded by Councilmember Calhoun and later acted upon. Parks & Recreation Director Cooper responded to questions and concerns and clarified issues at length including costs, and reasons for and benefits of the program.

Lengthy discussion ensued. Councilmember Sterling spoke in support of the proposal stating it was a good move, night-time employee presence was needed on the mall and in parks for safety reasons, there would also be maintenance benefit, and in-house jobs would be created which would help reach the RJI goal and further elaborated. Mr. Cooper and City Attorney Montoy responded to questions of Councilmember Westerlund at length relative to what CIS and ABM's positions were on this proposal, if staff contacted the firms about this, if the city had contracts with them, provisions for rescinding the contract, what the benefits of the program were besides added maintenance, and why this was being presented mid-stream and not during budget, with Councilmember Westerlund stating he could not support this at this time. Councilmember Duncan expressed an additional concern that staff had not discussed this with the security companies, stated if the companies were told maybe they could do more to increase security, emphasized if they were not fulfilling their contract obligations they should be notified, urged the firms at least be given a chance to respond to the staff's concerns, and added 24 temporary employees would add to the problem. Mr. Cooper responded to Councilmember Duncan's comments and stated parks staff and the police department could do a better job as stewards of taxpayer dollars. Councilmember Sterling stated her focus was making employees whole and questioned if staff considered hiring current temporary employees, what Chief Dyer's position was on this plan, and if the employees would be in communication with police officers, with Mr. Cooper and Chief Dyer responding. Councilmember Sterling encouraged approval, stated Mr. Cooper has made significant improvements in the department and increased employee morale, and requested staff talk with the security firms to be fair stating the city owned them that. Mr. Cooper responded to questions/comments of Councilmember Boyajian relative to the shift, employee communication with police, if there have been complaints about after-hour activity, **(6 - 0)** and need to give temporary parks employees some of the positions to make them whole. President Dages added he was glad to hear there would be people hired full-time, and Councilmember Duncan clarified the new city jobs would come at the expense of private sector jobs.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to deny staff's recommendation failed, by the following vote:

Ayes :	Calhoun, Duncan, Westerlund
Noes :	Boyajian, Perea, Sterling, Dages
Absent :	None

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the plan to establish a night maintenance/custodial crew in city parks hereby approved, and the above entitled Resolution No. 2005-441 hereby adopted, by the following vote:

Ayes :	Boyajian, Perea, Sterling, Dages
Noes :	Calhoun, Duncan, Westerlund
Absent :	None

**(1-H) RESOLUTION NO. 2005-442 - 10<sup>TH</sup> AMENDMENT TO PAR 2005-287 ADDING TWO (2) STAFF ASSISTANT AND ACCOUNT CLERK II POSITIONS, FOUR (5) CODE ENFORCEMENT SPECIALIST POSITIONS, AND ONE (1) MANAGEMENT ANALYST II POSITION TO THE PUBLIC UTILITIES DEPARTMENT TO FULFILL STATE-MANDATED RECYCLING AND "CONTAINERS IN VIEW" ENFORCEMENT**

**1. RESOLUTION NO. 2005-443 - 27<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$517,800 FOR THE IMPLEMENTATION OF A CONSTRUCTION AND DEMOLITION DIVERSION PROGRAM AND SOLID WASTE CODE ENFORCEMENT PROGRAM**

Interim Public Utilities Director Weimiller responded to questions of Councilmember Westerlund and/or clarified issues relative to funding for the new positions, how the reserve is funded, total fiscal impact, rate-setting timeline, and if new charges would come out of reserve dollars.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-442 and 2005-443 hereby adopted, by the following vote:

**146-102**

**10/4/05**

Ayes : Boyajian, Calhoun, Duncan, Perea., Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(2:30 P.M.)** CONTINUED HEARING TO CONSIDER ADDING AND ADJUSTING VARIOUS PUBLIC UTILITIES FEES (COMMUNITY SANITATION, SOLID WASTE, WASTEWATER AND WATER FEES)

**1. RESOLUTION NO. 2005-444 - 435<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 ADDING AND ADJUSTING VARIOUS COMMUNITY SANITATION, SOLID WASTE, WASTEWATER AND WATER FEES, AS AMENDED, EXCLUDING THE CODE VIOLATION APPEAL FEE**

President Dages announced the time had arrived to consider the issue and opened the hearing. Interim Public Utilities Director Weimiller gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the public hearing.

Councilmember Duncan stated he was supportive of the fees except for the \$35.00 Code Violation Appeal fee, with Solid Waste Chief of Operations Skinner stating a fee needed to be in place and clarified if the appellant wins the fee would be refunded back to them. Upon further question City Attorney Montoy clarified if staff wanted a fee as a policy matter at least the safeguard of it being returned was there should the appellant prevail, and added she had a concern with that kind of fee and wanted to explore the issue further. Councilmember Duncan stated the fee could be a significant hardship on some people and made a motion to approve the resolution, excluding the Code Violation Appeal fee, which motion was seconded and later acted upon.

Councilmember Boyajian presented questions relative to the service and meter installation fee, if staff was looking at a substitute for the in-lieu fee, what Councilmember Duncan's concern was with the appeal fee, where the appeal fee goes, what the city attorney's position was on the fee, and if Councilmember Duncan was opposed to both paying if you lose and keeping it if you win, with Mr Weimiller, Councilmember Duncan and Ms. Montoy responding throughout. City Manager Souza clarified there was a cost associated with processing an appeal, stated staff wanted to assure there was some kind of cost to help offset that appeal, acknowledged there could be hardships and stated staff would take the appeal fee issue back and come back with a better process, added the city should not lose money when someone appeals on a blatant code infraction and rate-payers should not have to subsidize the appeal process, stated staff also wanted to make sure people were not overly burdened who have a legitimate appeal but maybe not the resources, and stated staff would structure something and come back with a solution that balances concerns expressed. Councilmember Calhoun stated it was important to be consistent, requested the city attorney provide information on what other departments are doing stating the issue needed to be addressed in a broad sense, and added it had been his assumption that appealing did not cost people anything. Ms. Montoy stated the issue merited further research, discussion and a report back, and stated her support for taking it out of today's action. Upon question of Councilmember Calhoun, it was confirmed this action would not stop the appeal process.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-444 hereby adopted, *as amended, excluding the Code Violation Appeal fee*, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(3-C) RESOLUTION - 31<sup>ST</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$500,000 FROM THE STATE VEHICLE LICENSE FEE (VLF) REFUND TO ASSIST IN FUNDING SOCIAL SERVICE AGENCIES - COUNCILMEMBER STERLING**

Councilmember Sterling reviewed the background of the issue, advised of the organizations that were funded during budget but stated many of the programs that are reflective of the community were not included and this was why she was asking for additional funding, advised the City's Consolidated Plan stated current social service programs funded by the City address many important issues however they have been limited in scope and have not been able to address the basic needs specifically identified by Fresno residents, elaborated on programs and services that are needed, requested Council's support and explained contract and funding oversight and responsibility, noted for the record two letters received from Roger Palomino of the Economic Development Department and Senator Dean Flores in support of the funding, spoke to the city's fiscal situation and challenges, and stated the VLF refund was a blessing, the city now needed to give back to the community, and made a motion to adopt the resolution.

**146-103**

**10/4/05**

Councilmember Calhoun noted this morning action was taken to table an item he placed on the agenda without discussion or explanation, stated he expressed his displeasure with some of his colleagues' unprofessional approach, stated this was one member's item and no different from his and he was going to return the favor to those who want to take that kind of attitude with him, and made a motion to table this matter to October 25, 2005. Upon call, the motion died for lack of a second.

Councilmember Perea seconded Councilmember Sterling's motion.

Speaking in support of the funding and to the community's needs were: Susan Good, representing Senator Dean Flores' office, who read his letter of support into the record; Katrina Edwards, EOC Sanctuary; Victoria Lopes, EOC Foster Grandparent Program; **(7 - 0)** Denise Lanier, Deaf and Hard of Hearing Learning Center; Cathy Caples, Executive Director of Catholic Charities, who read a letter into the record from Bishop Steinbock; Jeff Garner, Catholic Charities; Susan Bechara, House of Hope; David Macias, Mentor, House of Hope; Paul Valenzuela, Youth Mentor, House of Hope; Gary Dennis, Executive Director, CHANGE San Joaquin Valley; Allen Hodgkin, Weed & Seed; Marina Magdalena, EOC Board Member; Alfonso Hernandez, Executive Director of the Chicano Youth Center; Tate Hill, Fresno West Coalition for Economic Development (FWCED); Kathleen Mancebo, Comprehensive Youth Services; Alex Correa; and Cary Catalano.

Councilmember Sterling thanked everyone for attending, spoke to after-school programs moving forward with volunteers, infrastructure issues, and addressing ADA requirements, and requested staff provide information on businesses, expansion of businesses, and projects.

City Manager Souza stated the Mayor was sensitive to the importance of this issue, noted this matter was discussed at length during budget deliberations and clarified funding was not "taken away" and a decision was made to reallocate funds, advised the administration was not supportive of this, and spoke briefly to the challenges the city will face and stated staff was not ready to recommend this action.

Lengthy discussion ensued. Councilmember Boyajian spoke to the recent CASA issue and the desire again to spend these funds, questioned how the loss of in-lieu fees and the pension issue would impact the city (with Mr. Souza responding), clarified he has supported social service agencies his entire term on the Council and now heart strings were being pulled, questioned how much money agencies received with the grant writing (with Councilmember Duncan advising close to \$10 million), and stated \$500,000 was a lot of money, there were many needs, it was not a relevant time to pick and choose which issues should be funded, he did not appreciate being put in this bad position again, and reiterated there were so many city issues that needed funding. Councilmember Westerlund thanked everyone who spoke, acknowledged there were many worthwhile organizations and commended them, and stated he could not support this at this time due to other needs and commitments that have been made and explained. Councilmember Sterling stated departments did a phenomenal job finding money this year to make their departments whole; noted additional funds were directed to housing and city fees were increased for additional revenue; and acknowledged there were needs but stressed this was an opportunity to meet the needs of the community, expressed her concern, and elaborated further. President Dages stated \$45 million could be bonded for infrastructure but Council could not fund \$500,000 for people who are the infrastructure of this community, commended the House of Hope youth mentors for the work they are doing stating they were heroes, expressed his concern stating Council can "talk the talk but can't walk the walk", and stated the money is used very wisely by the organizations and he will always support their efforts because it pays off in the long run.

A motion of Councilmember Sterling, seconded by Councilmember Perea, to adopt the above resolution failed, by the following vote:

Ayes : Perea, Sterling, Dages  
 Noes : Boyajian, Calhoun, Duncan, Westerlund  
 Absent : None

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**(3-A) DIRECT CITY ATTORNEY TO RETURN WITH MODIFICATIONS TO THE FRESNO MUNICIPAL CODE TO PROHIBIT THE PICK-UP OF RESIDENTIAL SOLID WASTE (TRASH, GREEN WASTE AND RECYCLABLES) BEFORE 6:00 A.M. - COUNCILMEMBER DUNCAN**

Councilmember Calhoun reiterated an item of his item was tabled for no reason, he would do the same as the previous issue, and made a motion to table the matter to October 25, 2005. Upon call, the motion died for lack of a second.

Councilmember Duncan gave a brief overview of the issue, stated he has received a number of calls and complaints over the years and the he felt the City needed to be more responsive to the needs of its constituents, and made a motion to direct staff as outlined, which motion was subsequently withdrawn.

**146-104**

**10/4/05**

Marina Magdalena, representing Operating Engineers, spoke in opposition to the issue and added there were no numbers or data to back up the issue of complaints.

Councilmember Westerlund stated he has also received a few complaints and questioned what staff's position was on the matter. Interim Public Utilities Director Weimiller stated the two areas of concern were child/student safety and economics and explained, requested staff be allowed to study/examine impacts including the economic ones, and advised of a previous assessment that was conducted on earlier starting times and its findings. Councilmember Westerlund stated he was supportive of receiving information from staff including information on the previous study, and questioned if Councilmember Duncan would support delaying action, with Councilmember Duncan responding affirmatively.

City Manager Souza spoke to the "new normal" and the commitment for continuous improvement and stated this was one of those areas and there was always a struggle, agreed it was time to reassess the issue and stated he was supportive of a delay, and stated there were a lot of factors that weighed into this and he wanted an opportunity to have a fully educated discussion on the issue. Based on the city manager's comments Councilmember Duncan withdrew his motion. Mr. Weimiller committed to a fair/justified/balanced/objective look and report back. Councilmember Calhoun added all council members receive calls and stated this was not the first time this matter has been brought up or addressed stating to staff's credit two workshops were conducted and all these issues were discussed. There was no further discussion.

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**(3-B) DISCUSS ESTABLISHMENT OF A PARKS AND RECREATION FACILITIES COMMISSION TO CONDUCT AN ASSESSMENT OF CURRENT CITY PARKS AND RECREATION FACILITIES AND PROVIDE RECOMMENDATIONS TO THE MAYOR AND COUNCIL FOR FUTURE P & R FACILITIES AND POTENTIAL REHABILITATION OR ADDITION TO CURRENT FACILITIES FOR THE ULTIMATE ADOPTION OF A PARKS FACILITY MASTER PLAN - COUNCILMEMBER WESTERLUND**

**1. DIRECT STAFF TO RETURN WITH ENABLING DOCUMENTS TO ESTABLISH THE COMMISSION**

Councilmember Calhoun made a motion to table the matter to October 25, 2005. Upon call, the motion died for lack of a second.

Councilmember Westerlund stated it would behoove the City to conduct an assessment of park facility needs as was done for public safety needs, stated citizen input was important and recommended the commission be appointed similar to the Zoo commission, and made a motion to direct staff to return with enabling documents to establish the commission, which motion was seconded by Councilmember Duncan. Councilmember Calhoun left at 4:35 p.m. during Councilmember Westerlund's comments and was absent for the remainder of the meeting.

City Manager Souza spoke in support of the commission and referenced Councilmember Westerlund's report and request for a finalized proposal on or before April 31, 2006, and stated staff could report back during the month of January as a lot of the ground work had already been done and was in place. City Attorney Montoy clarified the enabling documents for creation of the commission would be

brought back in one week.

Councilmember Westerlund and Mr. Souza responded to questions of Councilmember Boyajian relative to how this would affect the parks master plan, priority park projects, and what the time frame was for appointment of the commission. Councilmember Perea stated this was a good idea, reiterated he did not see any allocations for central Fresno in the parks department plan that was previously submitted to Council, and stated he hoped the commission would take that into account and obtain input/concerns of council districts 5 and 7 to ensure citizens in central Fresno are not forgotten when looking at increasing park space. Upon question of President Dages Mr. Souza confirmed this would not jeopardize any park projects currently in process.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to return with enabling documents to establish a Parks and Recreation Facilities Commission, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : Calhoun

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**(3-D) RESOLUTION NO. 2005-445 - AUTHORIZING PAYMENT OF SALARY DIFFERENTIAL BENEFITS AND THE CITY'S PORTION OF EMPLOYEE'S HEALTH AND WELFARE CONTRIBUTION TO PERMANENT CITY EMPLOYEES CALLED INTO ACTIVE DUTY AS A RESULT OF THE GULF COAST REGIONAL HURRICANES - COUNCILMEMBER DUNCAN**

**146-105**

**10/4/05**

Councilmember Duncan stated the issue was self-explanatory, this was the same as what was being done for employees serving in the Gulf War, advised six employees were at issue who were nearing the end of their duty and would suffer a hardship if this is not approved, and stated their efforts were much appreciated and made a motion to adopt the resolution. City Manager Souza responded briefly to questions of Councilmember Westerlund relative to the city's military leave policy.

On motion of Councilmember Duncan, seconded by President Dages, duly carried. RESOLVED, the above entitled Resolution No. 2005-445 hereby adopted, by the following vote:

Ayes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : Calhoun

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**(3-E) REQUEST FOR STATUS ON AGENDA ITEM OF AUGUST 16, 2005, RELATIVE TO LOW CRIME RATE STATISTICS AND HOW THE POLICE DEPARTMENT ARRIVED AT THEIR CONCLUSION - COUNCILMEMBER BOYAJIAN**

Upon question of Councilmember Boyajian, City Manager Souza advised the report was submitted to Council as a tray memo on September 16<sup>th</sup> and he would reissue it.

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**(2:00 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. PINEDALE PUBLIC UTILITY DISTRICT**

**(B) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY CLERK**

The City Council met in closed session in Room 2125 at the hour of 4:50 p.m. to consider the above matters and adjourned thereafter.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 4:57 p.m. having arrived and hearing no objections,

President Dages declared the meeting adjourned.

**Approved** on the 11th day of October, 2005.

/s/

ATTEST:

/s/

Mike Dages, Council President

Yolanda Salazar, Assistant City Clerk